



City of Naples

Naples City Council Meeting Agenda

June 24, 2021 - 7:30 p.m.

1420 East 2850 South

Naples, UT 84078

Opening Ceremonies

1. Approval of Agenda
2. Approval of Minutes - June 7, 2021 Budget Workshop
3. Approval of Minutes - June 10, 2021 Regular Council Meeting
4. Any Follow Up Matters from June 10, 2021
5. Approval of Bills
6. Approve Business License - JNR Transport, LLC 1541 S 460 E
7. Approve Business License - L & M Restaurants 1408 E Hwy 40
8. Uintah Basin Junior Livestock Report & Request - Randon Vincent
9. Approve Land Use Ordinance Change to Chapter 02-31-010 Removing Property Bonds - Ordinance 21-234
10. Approve URS FY 2021/2022 Rates
11. Approve Ordinance 21-237 Establishing and Reaffirming the Salaries of Elected and Statutory Officials
12. Approve Resolution 21-335 Amending FY 2020/2021 Budget
13. Approve Resolution 21-336 Adopting FY 2021/2022 Budget
14. Discussion on Fireworks at Naples City Park and in Naples City
15. Approve General Surplus of Items
16. Other Matters/Future Council Matters
Discussion to Cancel July 8, 2021 Council Meeting
17. Motion to Adjourn

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Naples City offices at 789-9090, 1420 East 2850 South, Naples, UT 84078 at least 48 hours in advance of the meeting. Meetings are held at 1420 East 2850 South, Naples, UT.

The undersigned, duly appointed City Recorder, does hereby certify that the above agenda was faxed or emailed to the Vernal Express.

The agenda was also posted on the City's website www.naplescityut.gov, and on the State Public Meeting Notice website <https://pmn.utah.gov>. Nikki W. Kay

SIGN IN SHEET

Naples City Council

June 24, 2021

PLEASE PRINT LEGIBLY

Sarah Gray

Lute Lassiter

Tiffany Lassiter

Brooks Jones

FERNANDO RIVERA

Stephanie Adams

**Naples City Council
June 7, 2021
Minutes**

A special meeting of the Naples City Council was held June 7, 2021, at 6:30 p.m. at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

***DATE, TIME & PLACE OF
MEETING***

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, and Dan Olsen. Kenneth Reynolds was absent.

***COUNCIL MEMBERS
ATTENDING***

Others attending were Ryan Cook, Szeth Simmons, Andrew Cox, Fernando Rivera, Joshua Bake and Nikki Kay.

OTHERS ATTENDING

Robert Hall **moved** to approve the special meeting. Dennis Long **seconded** the motion. Motion passed with all voting aye.

***ACKNOWLEDGMENT OF
SPECIAL MEETING***

Mayor Baker turned the time over to Joshua Bake who led the discussion for the special budget workshop meeting. Council members went through the budget page by page discussing any changes or projects.

BUDGET WORKSHOP

Joshua referred Council members to the budget packet he gave them. He pointed out the sheets that showed averages over the last several years, the percentage of budget that goes to each department, and the ones showing the proposed budget for the year.

Joshua stated the columns show the beginning budget, the projected budget, and the proposed budget for FY2021/2022. Mayor Baker asked for clarification on where the gas tax and the highway option tax are budgeted. Joshua pointed out which line item those go into. Joshua said those were not their own separate line items and some are combined into either sales tax or the highway use tax. Josh said he kept things fairly level as far as tax revenue.



Joshua led Council members down through each line item on the budget and asked them to stop him with any questions. Josh referred to the budget account that was for the CARES Act this year, he said it will be titled something different for this next year and the City can set it aside and use those funds within the next three years. He said the City could use it for lost revenue.

Mayor Baker questioned the money received from the Justice Court fines and asked if they could send everything to District court now that the issue with the Justice Court is settled between Vernal City and Uintah County. Joshua stated the City technically does not have a Justice Court and in order to do that, the City would have to apply for a Justice Court, be accepted, and then dissolve the Court and turn everything over to District Court. Joshua said everything the City has in place with the County is valid with Vernal City. Mayor Baker said the City will never recoup in fines and forfeitures what is paid to Mr. Judd for the prosecuting attorney fees. Joshua said that would probably never happen but pointed out that Mr. Judd has been phenomenal in getting donations made to the City to help with the fireworks. Joshua wanted the Council to know he put \$5,000 into the fire department funds for both revenue and expenditures just in case something happens with the Districts.

Joshua pointed out that the amount listed in transfers would change in the projected budget because money from the rescue act funds will not be received until after July 1. He said the total fund revenues budgeted was 2.7 million and they anticipate receiving 2.33 million and have a proposed budget of 2.45 million. Mayor Baker asked Josh to find out what percentage of the one cent sales tax the City was currently receiving. He thought there should be a hold harmless or something for the smaller cities but needed to know the amount.

Joshua then went through the departments for expenditures. He pointed out that in each department they did include the step increase for all employees, no COLA, but he did add back in the step increases. He said when the salary schedule was presented it was presented to do a COLA every three years, which would have been last year. He said he did not include the COLA this year but did want to get back on the 3% step increase. Mayor Baker did remind him the employees did get the \$2,000 hazard pay from the CARES Act.

Joshua noted the expenses for health insurance would not be included for the four employees that took the separation agreements so some of those budgets would go down. He pointed out the increase for health insurance which was not as substantial as other entities.

Joshua asked the Council members to refer back to one of

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the other sheets he included with the handout information. He said this sheet shows the new department created with the separation of duties for Szeth and Ryan. He said he met with Councilman Long and the Mayor in order to come up with the different responsibilities. Joshua said this will decrease the budget for the road department but some of that will transfer to the new building and grounds department.

Joshua referred to the supplies and equipment department and said the City has been trying to codify the city ordinances and get them updated on the computers. He said Jones and DeMille has a program that is able to update our codes and update it to the City's website. Joshua said it is pretty expensive for the year but it is user friendly and a lot fresher. Nikki said her only concern was making sure the codes were legally compliant and didn't disagree with another code.

When Joshua presented the Police Department budget they presented a proposal to hire a new officer for this next fiscal year. He also stated they would be making the payment for the lease vehicles this year.

Joshua presented the amounts for education and promotions, which includes the amount paid to ULCT. Mayor Baker wanted to only pay half the amount to the League because he felt like they are not willing to represent the City is fighting to get more of the sales tax money generated here in the City. Joshua stated the League invoices the City with the same formula the Tax Commission uses. Mayor Baker really wanted to not pay the full amount and to send a letter with payment stating why. Nikki stated the League lobbies for the cities and felt like that was the only representation available to smaller cities and towns. After some discussion it was decided to leave the budgeted amount of \$2,296. Council members also discussed the donation requests made to the City and which requests they would like to consider for the next year.

In discussing the road department budget Joshua pointed out a software application Ryan would like to purchase to keep better track of the roads and the maintenance performed and needed. He also wanted Council to know he created a new step for both Szeth and Ryan on the pay schedule to place them where they needed to be with their different responsibilities now.

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Joshua discussed the transfers into capital funds for the next fiscal year. He recommended transferring money into the vitalization fund and the municipal building fund. Councilman Hall asked about the 2000 East project and where those funds were. Joshua said that would be allocated from the capital project roads. Councilman Kitchen noted there was money budgeted in Redevelopment for the purchase of new dinosaurs and he thought the City would be better served putting that money into something that could help the City promote economic development, maybe even a land purchase that could be used to entice commercial development.

Mayor and Council thanked Joshua for the work he did in preparing the budget.

With no other matters to discuss for the budget, Dan Olsen **moved** to adjourn the special budget workshop meeting at 9:15. Robert Hall **seconded** the motion. The motion passed with all voting aye.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 24th DAY OF JUNE 2021

BY: _____

ATTEST: _____



Naples City Council
June 10, 2021
Minutes

The regularly scheduled meeting of the Naples City Council was held June 10, 2021, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

Others attending were Sarah Gray, Fernando Rivera, Szeth Simmons, Ryan Cook, Andrew Cox, Joshua Bake and Nikki Kay.

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Dan Olsen offered the invocation.

Mayor Baker asked for approval of the agenda. Robert Hall **moved** to approve the agenda. Dennis Long **seconded** the motion. The motion passed with all voting aye.

The minutes of the regular city council meeting of May 27, 2021 were presented for approval. Dan Olsen **moved** to approve the minutes as presented. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting in the affirmative.

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Nothing was brought forward.

Nikki Kay presented the bills for payment in the amount of \$12,741.02. Nikki asked for an additional \$50 to pay for two entity registrations that are now due. The total presented for approval was \$12,791.02. Dennis Long **moved** to approve payment of the bills in the amount of \$12,791.02. Kenneth Reynolds **seconded** the motion the motion passed with the following roll call vote:

Robert Hall

Aye

***DATE, TIME & PLACE OF
MEETING***

***COUNCIL MEMBERS
ATTENDING***

OTHERS ATTENDING

OPENING CEREMONY

AGENDA APPROVED

MINUTES APPROVED

***FOLLOW UP ITEMS FROM
PREVIOUS MEETING***

APPROVAL OF THE BILLS



Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

A business license application was received for **JNR Transport** located at 1541 s 460 E. Joshua stated this is a home office business for a transport trucking company. Mr. Peterson outlined several conditions for the owner in order to operate his trucks out of his home. The conditions were as follows:

1- Parking of tractor trailers are not permitted at the residence at any time.

2- The truck can no be parked or left within the road right-of-way and shall be parked on the property off the road.

3- The truck cannot be left over night in the city road right-of-way.

4- The truck can only be started between the hours of 6:00 a.m. and 10:00 p.m..

5- Neighbors' complaints shall immediately be addressed by the business owner.

6- Valid written unresolved complaints by the neighbors to the city may result in the business license being revoked.

7- The Home Occupation shall not unreasonably disturb the peace and quite of the neighborhood.

Mayor Baker thought there was something in the Land Use Ordinance that prohibited trucks and trailers from parking in a subdivision. Josh stated it would just be the cab of the truck and showed a picture of the truck currently parked at the residence. Mayor Baker asked Josh to check on that. Gordon Kitchen **moved** to table the application until more research can be done. Kenneth Reynolds **seconded** the motion.

Jay Haslem, President of Outlaw Trail Festival, came before the Council to request financial help in continuing the Outlaw Trail Festival for this year. Mr. Haslem stated the Festival has been going on for twenty years and was funded with the help of the Arts Council. He said that has been dissolved. Mr. Haslem stated they tried to continue with the play last year and COVID killed the sale of tickets. He stated they are starting from square one and still needed additional money to get the production going this year. Mr. Haslem said this is

BUSINESS LICENSE APPROVALS

DONATION REQUEST FROM OUTLAW TRAIL THEATER

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a one time request to the City as they hope to be able to sustain themselves from outside donations and ticket sales. He said they did received support from Vernal City and he put \$3,500 on his request to the City but would be happy with anything the City could do. Robert Hall **moved** to approve \$1,500 . Gordon Kitchen, stating he knew they were going to try and sustain themselves, **seconded** the motion. The motion passed with the following vote:

Dan Olsen	Aye
Robert Hall	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Dan Olsen **moved** to go into a public hearing to discuss the budgets. Dennis Long **seconded** the motion. The motion passed with all voting in the affirmative. Joshua Bake explained to those in attendance the reason for opening and amending a budget and they were also holding a public hearing to receive public input on next fiscal year's budget. Joshua showed the year end projections for FY 2020/2021 and wanted to amend the budget this year to reflect those projections. He also stated he was proposing an 8.2% increase in sales tax revenue but noted this was still down 40% from a few years ago. Joshua stated the City should be receiving about \$232,218 from the rescue act fund but was not anticipating putting that into the budget at this time. Joshua said they would like to add an additional officer to the budget, they have split one department to give different responsibilities to Ryan and Szeth, kept most of the departments fairly flat as far as expenditures, and has about \$147,000 to transfer to capital projects for this next year. Mayor Baker asked if anyone from the public had any questions or comments. Fernando Rivera asked the Council to consider, for the future, putting money into building up the two gulches on 2000 South. He said they tried to apply for a safe route to school grant this year and were turned down because the cost of building up the gulches made the project cost prohibitive. He asked the Council to keep that in mine if they have extra money that could be used to do that. With no other comments from the public, Dan Olsen **moved** to close the public hearing. Robert Hall **seconded** the motion. The motion passed with all voting in the affirmative.

Nikki Kay explained the settlement release claim the Council approved a few weeks ago was amended. She stated the

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***PUBLIC HEARING TO
OPEN AND AMEND FY
2020/2021 BUDGET AND
TO CONSIDER ADOPTION
OF FY 2021/2022 BUDGET***

***APPROVE RELEASE OF
CLAIM AMENDMENT***

insurance company received an additional claim from the accident involving the dinosaur and the insurance company reduced the amount that would be paid to the City. It was noted the original settlement amount was \$15,000 the amended amount was \$14,534.00. Dennis Long **moved** to approve the amended settlement amount. Kenneth Reynolds **seconded** the motion. The motion passed as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mayor Baker explained that Joshua Bake has taken a position with Roosevelt City and his last day will be June 30. He expressed his appreciation for all Josh has done for the City and wished him well. The job description and job posting notice was discussed. Council members felt Josh could update the job description and get that to them. It was discussed if Council wanted to include a salary on the job posting notice. Joshua recommended they leave it blank as that could be negotiated at a later date according to the adopted salary schedule. Mayor Baker asked about the requirement to live in the City. Council members felt much of that could be negotiated when they have a viable candidate for the position. Mayor Baker asked Joshua if he could have that updated description to them by the next day. Josh said it would be the next evening but he would get it to them.

Councilman Long asked about the certified tax rate and Nikki said she would have that ready for the next council meeting.

With no other business before the Council, Dan Olsen **moved** to adjourn the meeting at 8:45 p.m. Kenneth Reynolds **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

APPROVED BY COUNCIL ON THE 24th DAY OF JUNE 2021

BY: _____

ATTEST: _____

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***DISCUSSION REGARDING
CITY MANAGER
POSITION***

***OTHER MATTERS -
FUTURE COUNCIL
MATTERS***

MOTION TO ADJOURN

Report Criteria:

Invoices with totals above \$0.00 included.

Only unpaid invoices included.

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
10-22250 WORKMENS COMPE	1084	Utah Local Gov't Ins. Trust	Workers Comp	1591369	06/10/2021	711.15
10-22500 HEALTH INSURANCE	490	Judd, Dennis L.	D. Judd dental insurance	490-521	06/15/2021	85.48-
10-22500 HEALTH INSURANCE	740	Public Employees Health Prog	Health & Dental Insurance	123430368	06/21/2021	17,726.60
10-22500 HEALTH INSURANCE	1084	Utah Local Gov't Ins. Trust	Health Insurance Premium	1591367	06/10/2021	200.03
Total :						18,552.30
10-43-251 FUEL & OIL	1106	Fuel Network	Fuel Purchase	F2111E00899	06/03/2021	211.72
Total CITY ADMINISTRATOR:						211.72
10-47-133 HEALTH INSURANCE	490	Judd, Dennis L.	D. Judd dental insurance	490-521	06/15/2021	85.48
10-47-310 PROSECUTING ATT	490	Judd, Dennis L.	Prosecuting Attorney	490-521	06/15/2021	3,706.92
10-47-330 CITY ATTORNEY - CI	490	Judd, Dennis L.	Civil Attorney	490-521	06/15/2021	3,902.08
10-47-610 MISCELLANEOUS C	490	Judd, Dennis L.	Copies, phone calls, etc.	490-521	06/15/2021	50.00
Total CITY ATTORNEY:						7,744.48
10-49-512 PROPERTY INSURA	1084	Utah Local Gov't Ins. Trust	Property Insurance	1591368	06/10/2021	6.74
Total LIABILITY INSURANCE:						6.74
10-50-271 UTILITIES - CITY HAL	622	Mt. Olympus Waters	Equipment Rental	10209454 0611	06/11/2021	20.99
10-50-271 UTILITIES - CITY HAL	1099	Rocky Mountain Power	Monthly Electric Service 6115959	9596-0721OF	06/17/2021	259.64
10-50-271 UTILITIES - CITY HAL	1168	West End Cleaners, Inc.	Traffic rug for offices	52254	06/01/2021	61.60
Total GENERAL GOVERNMENT BUILDINGS:						342.23
10-51-248 COMPUTER SUPPLI	1153	Wal-Mart Super Center	Flash drives	104200314	06/16/2021	136.62
Total SUPPLIES/EQUIPMENT:						136.62
10-52-310 BOARD MEMBERS E	127	Bentley, Andrew	Board Members Expense	127-621	06/22/2021	75.00
10-52-310 BOARD MEMBERS E	216	Clark, Christopher J	Board Members Expense	216-621	06/22/2021	150.00
10-52-310 BOARD MEMBERS E	406	Harrison, Jacob	Board Members Expense	406-621	06/22/2021	75.00
10-52-310 BOARD MEMBERS E	772	Ray, Amber	Board Members Expense	772-621	06/22/2021	75.00

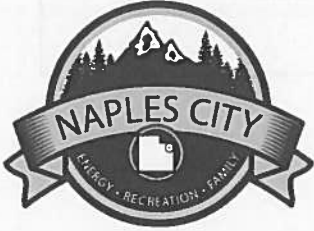
GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
10-52-313 MASTER PLAN	486	Jones & DeMille Engineering	General Plan	125124	06/18/2021	8,336.24
Total PLANNING AND ZONING:						8,711.24
10-54-249 EQUIPMENT/PURCH	589	Milt's Merchandise Mart	Easy find 7c square	161061	05/07/2021	23.96
10-54-249 EQUIPMENT/PURCH	944	TJ's Productions, Inc.	Sticker set for #3993	16821	06/19/2021	475.00
10-54-251 FUEL & OIL	1106	Fuel Network	Fuel Purchase	F2111E00899	06/03/2021	1,666.77
10-54-333 CRIMINAL INVESTIG	1210	Zion's First National Bank	Testing Plates	112-9180800-4	06/08/2021	90.73
Total POLICE DEPARTMENT:						2,256.46
10-55-610 MISCELLANEOUS EX	283	Davis Food & Drug	Food for safety meeting	253075	06/09/2021	19.36
10-55-610 MISCELLANEOUS EX	914	Sportsmans Warehouse	ULGT TARP Safety Program	234-03130	06/08/2021	455.00
10-55-610 MISCELLANEOUS EX	1153	Wal-Mart Super Center	ULGT TARP Safety Program	1042000314	06/08/2021	260.00
10-55-610 MISCELLANEOUS EX	1210	Zion's First National Bank	Food for safety meeting	650052883196	06/09/2021	70.22
Total EMERGENCY PREPAREDNESS:						804.58
10-58-251 FUEL & OIL	1106	Fuel Network	Fuel Purchase	F2111E00899	06/03/2021	55.23
Total BUILDING INSPECTOR:						55.23
10-60-250 EQUIPMENT REPAIR	3	AG Equipment Inc	Brush Hog	1-80558	06/21/2021	190.00
10-60-250 EQUIPMENT REPAIR	677	Outback Rental	Hydrolic coupler	SO-001489	06/21/2021	48.24
10-60-251 FUEL & OIL	1106	Fuel Network	Fuel Purchase	F2111E00899	06/03/2021	413.62
10-60-253 VEHICLE MAINTENA	589	Milt's Merchandise Mart	Hammer #16	161630	06/07/2021	23.99
10-60-266 ROAD SIGNS	589	Milt's Merchandise Mart	Sign installation hammer	161630	06/07/2021	23.99
10-60-266 ROAD SIGNS	916	Swain's	Message board spare keys	13260177	05/25/2021	8.40
10-60-269 STREET SWEEPER	542	Owen Equipment	Sweeper parts	102930	05/21/2021	317.93
10-60-271 UTILITIES - SHOP	1099	Rocky Mountain Power	Monthly Electric Service 6119018	0186-0721SH	06/17/2021	184.09
10-60-282 ROADSIDE PARK MA	448	Intermountain Farmers Assoc.	Fungicide	1015450419	06/07/2021	80.00
10-60-282 ROADSIDE PARK MA	1017	Uintah Outdoor Power Equipment	Leaf blower	689	06/17/2021	279.99
10-60-473 SAFETY CLOTHING/	1210	Zion's First National Bank	Safety boots and clothes	113-8365106-3	06/10/2021	96.82
10-60-473 SAFETY CLOTHING/	1210	Zion's First National Bank	Safety boots and clothes	5439215	06/10/2021	197.04

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
Total HIGHWAYS:						1,864.11
10-68-270 UTILITIES-STREET LI	1099	Rocky Mountain Power	Monthly Electric Service 6108154	1546-0721ST	06/17/2021	1,971.17
Total STREET LIGHTS:						1,971.17
Grand Totals:						42,656.88

Report Criteria:

Invoices with totals above \$0.00 included.

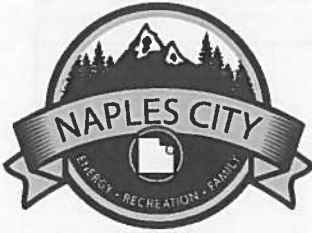
Only unpaid invoices included.



Item No. _____

MEMO TO: <i>City Council, City Manager</i> FROM: <i>Dale Peterson</i> Building Official		Subject: Business License for: JNR Transport 1541 South 460 East Naples, Utah 84078	
Recommendation: Approve: <i>JNR Transport LLC</i> <i>1541 South 460 East</i> <i>Naples, Utah 84078</i> <i>To operate an office for the business from the home.</i> <i>To park the tractor at the residence when in between hauls</i>		Date: June 7, 2021	
		Zone: R-1	
		02-24-002 USE REQUIREMENTS Permitted Uses: 02-24-002 Home Occupations, in accordance with chapter 13	
Conditions: <ol style="list-style-type: none">1. Parking of tractor trailers are not permitted at the residence at any time.2. The Truck can not be parked or left within the road right-of-way and shall be parked on the property off the road.3. The truck cannot be left over night in the city road right-of-way.4. The truck can only be started between the hours of 6:00 AM and 10:00 PM.5. Neighbors' complaints shall immediately be addressed by the business owner.6. Valid written unresolved complaints by the neighbors to the city may result in the business license being revoked.7. The Home Occupation shall not unreasonably disturb the peace and quiet of the neighborhood.			
Attachments: <ul style="list-style-type: none">• Pictures			





Item No. _____

MEMO TO: <i>City Council, City Manager</i> FROM: <i>Dale Peterson</i> Building Official		Subject: Business License for: L & M Restaurants 1408 East HWY 40 Naples, Utah 84078	
Recommendation: <i>Approve the Business License for L & M Restaurants</i> <i>To operate a food truck in the City of Naples.</i> <i>The food truck is license is at the same address as Grampa Bones shack at 1408 South HWY 40 Naples.</i>		Date: June 22, 2021	
		Zone: I-1 (Industrial 1)	
		02-28-004 Industrial I-1 ZONE CONDITIONAL USE: Food Trucks, with the following conditions.	
The truck will be taken to different events in the Basin, ball games, rodeos parades, company parties.			
Conditional Use Conditions: a. Obtain a Naples Business license, a currant health department food truck permit, a currant fire, and safety sticker from the local fire district. b. Obey all parking and traffic regulations in Naples City. c. The outdoor dining area shall not impede pedestrian or emergency access circulation. d. Shall not interfere with or limit pedestrian users' free unobstructed passage. e. Shall not operate on public streets where the speed limit exceeds thirty-five (35) miles per hour. f. Shall not sell to any person standing in the roadway. g. Trash containers shall be provided for the use of the business patrons. h. All signs must be physically attached to the vehicle. i. Trash containers shall be provided for the use of the business patrons. j. All signs must be physically attached to the vehicle.			



Item No. _____

MEMO TO: City Council FROM: Planning and Zoning/Staff	Subject: Land Use Ordinance Change – Amending Chapter 02-31-010 Removing Property Bonds	
Recommendation: Approve the recommended changes amending chapter 02-31-010 Removing Property Bonds in the Land Use Ordinance.	Date: 6/17/2021	
	Fiscal Impact: N/A	
	Funding Source: N/A	
Background: Staff suggested removing property bonds as an option for the improvement completion assurance. The planning commission decided since it would not benefit a developer with a smaller subdivision, they moved to take it out as an option. The planning commission had a public hearing on February 18, 2021.		
Attachments: -Ordinance 21-234 Amending Chapter 02-31-010 Removing Property Bonds		
Recommended Motion: Make a motion to approve the proposed changes to Chapter 02-31-010 Removing Property Bonds and adopt ordinance 21-234 Amending Chapter 02-31-010 Removing Property Bonds in the Land Use Ordinance.		

Naples City Ordinance No. 21-234

An ordinance amending the Naples City Land Use Ordinance 02-31-010 Remove Property Bonds

WHEREAS, the Naples City Planning Commission has considered proposed revisions to the Naples City Land Use Ordinance and Subdivision Ordinance; and

WHEREAS, the Naples City Planning Commission has conducted duly noticed and open public meetings and hearings, considered the revisions to the Naples City Land Use Ordinance and Subdivision Ordinance on January 21, 2021; and February 18, 2021 and

WHEREAS, the Naples City Planning Commission has found that the revisions set forth herein are in the best interest of the health, safety and welfare of the community, and will improve the land use management and subdivision development procedures in the City of Naples; and

WHEREAS, the Naples City Planning Commission has recommended the changes set forth herein to the Naples City Council; and

WHEREAS, the Naples City Council has in a duly noticed open meeting on June 24, 2021, considered the recommended changes.

NOW THEREFORE, be it ordained by the Naples City Council that:

The Naples City Land Use Ordinance is amended as follows (additions are underlined, deletions have a strikethrough):

CHAPTER 02-31 SUBDIVISIONS

...

Section 02-31-010 Improvement Completion Assurance

...

02-31-010 IMPROVEMENT COMPLETION ASSURANCE

A. Required improvements.

The improvements required by this ordinance apply to all developments and owners/developers and to all persons that have or receive any interest in any land which is located within a subdivision, development, proposed subdivision, or proposed development.

B. Improvements made prior to recording final plat.

The improvements required by this ordinance shall be constructed, installed and maintained by the Applicant and inspected and accepted by the City prior to recording the final plat, unless the construction, installation, and maintenance is

guaranteed in the manner provided in this ordinance. Improvements shall not be installed or constructed until their location and specifications have been approved by the engineer representing Naples City or the Naples City Land Use Administrator.

Improvements made before the final plat is approved are done at the risk of the Applicant and does not guarantee final plat approval.

C. Guarantee of performance.

In lieu of completion and acceptance by the City Council of the improvements required by this ordinance before approval of the final plat by the City Council, the Applicant may provide funds to guarantee that the installation and construction of the required improvements shall be completed, inspected and approved by the City and that the improvements shall be maintained in a state of good repair free from defective material or workmanship during the warranty assurance duration by one or more of the following methods:

1. Bond

Applicant may file with the City Recorder a bond payable to the City with a corporate surety, licensed and in good standing in Utah and approved by the City Council and the City Attorney, in an amount equal to one hundred twenty percent (120%) of the cost of improvements not previously installed, as estimated by the engineer representing Naples City or the Land Use Administrator. The bond shall guarantee that all improvements required by this ordinance shall be installed as required herein and that the improvements shall be maintained in a state of good repair free from material or workmanship defects during the warranty assurance duration.. The bond shall be irrevocable and shall provide for the payment of the funds therein to the City in the event of default or any failure by the Applicant to install the improvements as required herein and in any development agreement.

2. Escrow Account

Applicant may deposit in an escrow account payable to and controlled by the City with a bank, credit union or savings and loan institution doing business in Utah and licensed and in good standing with the Utah Department of Financial Institutions and insured by the applicable federal agency (FDIC, FSLIC etc) an amount of money equal to at least 120% of the cost of the improvements. The costs of the improvements shall be determined by the engineer representing Naples City or the Land Use Administrator. The escrow account agreement shall be approved by the City attorney and shall be signed by the Applicant, the City and the bank and shall provide for the payment of the funds therein to the City in the

event of default or any failure by the Applicant to install the improvements as required herein and in any development agreement. The agreement shall also guarantee that all improvements required by this ordinance shall be installed as required herein and that the improvements shall be maintained in a state of good repair free from material or workmanship defects during the warranty assurance duration.

3. Irrevocable letter of credit

Applicant may deliver to Naples City an irrevocable dedicated letter of credit payable to the City from a bank, credit union or savings and loan institution doing business in Utah and licensed and in good standing with the Utah Department of Financial Institutions and insured by the applicable federal agency (FDIC, FSLIC etc) which letter shall in an amount of money equal to at least 120% of the cost of the improvements. The costs of the improvements shall be determined by the engineer representing Naples City or the Land Use Administrator. The letter of credit shall be approved by the City attorney and shall provide for the payment of the funds therein to the City in the event of default or any failure by the Applicant to install the improvements as required herein and/or in the development agreement. The letter of credit shall also guarantee that all improvements required by this ordinance shall be installed as required herein and that the improvements shall be maintained in a state of good repair free from material or workmanship defects during the improvement warranty assurance duration.

4. ~~Property Bond~~

~~Applicant may file with the City Recorder a real property bond in a form adopted by the city and approved by the city attorney. The property bond shall consist of a Note in the amount of the required improvement completion assurance at least ⁺120% of the cost of uncompleted improvements in favor of the city secured by a first Deed of Trust (with the city as Beneficiary) on real property located in the State of Utah having an appraised value equal to at least 240% of the cost of improvements not previously installed as estimated by the engineer representing Naples City or the Land Use Administrator. The Applicant must submit proof from a Utah licensed title company that applicant is the owner or has authority to execute the documents and that the city is a first position lien holder on the real property. The City Attorney or designee shall be the Trustee. The city may require environmental clearance of the real property. All taxes must be paid current and must be paid when due through the term of the note and trust deed. If the valuation of the real property is based on any improvements located thereon the improvements must be fully insured during the term of the property bond, with evidence of insurance provided to City in a form acceptable to City. In the event of any loss or~~

⁺ Amended 01/09/2020


~~destruction of improvements on the real property or significant reduction in value of the real property during the term of the bond any insurance proceeds must be deposited in an escrow account as set forth in this ordinance and if necessary other assurance must be provided to satisfy the improvement completion assurance obligations of the applicant. The real property shall be appraised by a licensed appraiser approved by the City and hired and paid for by the Applicant. The complete appraisal must be provided to the City and must show a fair market value of at least 240% of the required improvement completion assurance amount. The real property bond documents shall guarantee that all improvements required by this ordinance shall be installed as required here in and that the improvements shall be maintained in a state of good repair free from material or workmanship defects during the improvement warranty assurance period. The bond documents shall provide that in the event of default or failure to perform as required, City, as beneficiary of the Deed of Trust may immediately commence foreclosure proceedings to sell the real property and apply the proceeds to the obligations of the Applicant. If the proceeds of the sale are insufficient to cover the obligations of the applicant City shall have the option to pursue deficiency judgment and to withhold any building permits or further approval until sufficient completion assurance is provided. Any excess proceeds shall be disbursed in accordance with Utah law.~~

--End of Ordinance Changes--

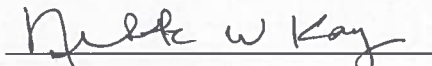
The revisions to the Ordinance set forth herein become effective upon filing in the office of the City Recorder and posting. These changes supersede prior inconsistent sections of the Naples City Land Use and Subdivision Ordinances as of the effective date of this Ordinance.

The changes set forth herein shall be inserted in and incorporated into the Naples City Subdivision Ordinance.

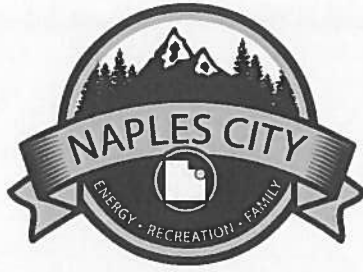
DATED this 24 day of June, 2021.


Mayor

Attest:


City Recorder





Item No. _____

MEMO TO: City Council FROM:	Subject: Utah Retirement System Rates	
Recommendation: To accept URS rates for FY 2021/2022	Date: 6/24/2021	
	Fiscal Impact:	
	Funding Source:	
Background: Rates stayed the same as FY2020/2021 but the 401(k) percentage and the employer paid percentage for the Tier 2 are adjusted. Council has approved in the past to pick up the 6% employee for Tier 1 Contributions for Public Employees and also elected to pick up the 2.27% employee contribution for Tier 2 Public Safety.		
Recommendation: To approve Contribution Rates for FY 2021/2022 as presented.		
Recommended Motion:		

Ordinance #21-237

AN ORDINANCE AMENDING ORDINANCE #20-229 ESTABLISHING AND REAFFIRMING THE SALARIES OF THE ELECTED AND STATUTORY OFFICERS OF THE CITY OF NAPLES.

WHEREAS, the number of duties assigned to each elective officer has increased significantly and each elected officer is required to devote more time to the effective administration of this municipality;

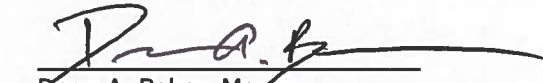
THEREFORE, BE IT ORDAINED BY THE NAPLES CITY COUNCIL OF THE CITY OF NAPLES THAT:

1. All previous salary or compensation ordinances regarding elected and statutory officers hereby be repealed.
2. The monthly compensation of the elected and appointed officers shall be as follows:

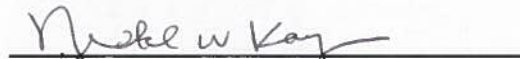
Mayor	\$ 1,157.33 per month
Council members	\$ 645.90 per month
City Administrator	\$ 8,942.93 per month
City Recorder	\$ 5,353.73 per month
City Treasurer	\$ 1,400.00 per month
City Attorney	\$ 7,609.00 per month
Police Chief	\$ 7,474.40 per month
3. The treasurer shall pay each statutory officer bi-weekly and each elected officer monthly by delivery of a check drawn on the municipal checking account to the elected or statutory officer personally or by mailing the check to the elected officer at his/her home, postage prepaid.
4. Each member of the governing body shall receive mileage and per diem for all trips approved by the governing body according to the schedules adopted by the Naples City Council.

Effective July 1, 2021

Ordinance 21-237 was Adopted by Council on the 24th day of June, 2021


Dean A. Baker, Mayor

ATTESTED BY:


Nikki W. Kay, City Recorder



RESOLUTION 21-335

A RESOLUTION AMENDING THE 2020/2021 BUDGETS.

BE IT RESOLVED: That pursuant to a notice published in the Vernal Express, a newspaper having general circulation within the City of Naples, a Public Hearing was held wherein all budgetary funds of the City of Naples for the fiscal year of 2020/2021 were considered by the Naples City Council.

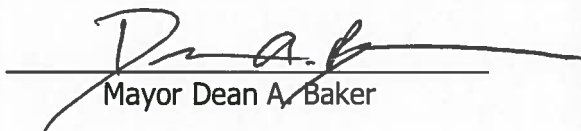
WHEREAS, the time for the hearing was set at the Naples City Office, 1420 East 2850 South, in the City of Naples, for June 10, at the hour of 8:00 p.m., and,

WHEREAS, the notice of said hearings was published, pursuant to the statute, in the Vernal Express, May 26, 2021,

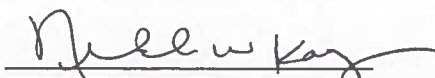
NOW THEREFORE, it was **moved** by Dan Olsen that the 2020/2021 budget for General Fund be amended to the amount of \$2,304,669; Capital Project Roads amended to \$192,280; Municipal Building Project amended to \$93,154; Capital Project Park Fund amended to \$10,000; and Vitalization Fund is amended to \$51,654. The **second** was by Robert Hall and passed with a roll call vote as follows:

Robert Hall	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Gordon Kitchen	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Dennis Long	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Dan Olsen	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Kenneth Reynolds	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>

This Resolution was adopted on the 24th day of June, 2021.


Mayor Dean A. Baker

ATTEST:


Nikki W. Kay, City Recorder



RESOLUTION 21-336

A RESOLUTION ADOPTING THE 2021/2022 BUDGETS.

BE IT RESOLVED: That pursuant to a notice published in the Vernal Express, a newspaper having general circulation within the City of Naples, a Public Hearing was held wherein all budgetary funds of the City of Naples for the fiscal year of 2021/2022 were considered by the Naples City Council.

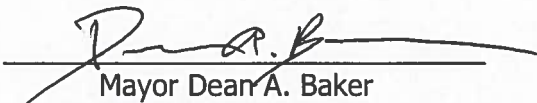
WHEREAS, the time for the hearing was set at the Naples City Office, 1420 East 2850 South, in the City of Naples, for June 10, 2021 at the hour of 8:00 p.m., and,

WHEREAS, the notice of said hearings was published, pursuant to the statute, in the Vernal Express, May 26, 2021,

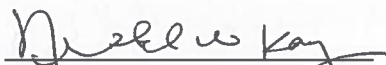
NOW THEREFORE, it was **moved** by Dennis Long that the 2021/2022 budget for General Fund be adopted in the amount of \$2,451,666; Debt Service Fund in the amount of \$142,225; Asset Acquisition in the amount of \$7,923; Equipment Replacement Fund in the amount of \$15,000, Capital Project Road Fund in the amount of \$120,000; and Municipal Building Project Fund in the amount of \$10,000. The **second** was by Dan Olsen and passed with a roll call vote as follows:

Robert Hall	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Gordon Kitchen	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Dennis Long	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Dan Olsen	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
Kenneth Reynolds	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>

This Resolution was adopted on the 24th day of June, 2021.


Mayor Dean A. Baker

ATTEST:


Nikki W. Kay, City Recorder

